

# **EXHIBIT 2**

## EXHIBIT 2

Bases for Dismissing HIPNY's State Law Claims In Count II

STATUTE PLEADED	Lack of Subject Matter Jurisdiction, 12(b)(1)	No Standing, 12(b)(1)	FDA Law Preempts, 12(b)(6)	Indirect Purchaser Claims Disallowed, 12(b)(6)	Does Not Reach Alleged Conduct, 12(b)(6)	Class Actions Not Permitted, 12(b)(6)
Alaska Unfair Trade Practices and Consumer Protection Act, Alaska Stat. §§ 45.50.471, et seq.	X	X	X	X		
Arizona Consumer Fraud Act, Ariz. Rev. Stat. §§ 44-1521, et seq.	X	X	X		X	
Arizona Uniform State Antitrust Act, Ariz. Rev. Stat. §§ 44-1401, et seq.	X	X	X			
Arkansas Deceptive Trade Practices, Ark. Code Ann. §§ 4-88-101, et seq.	X	X	X	X		
California Cartwright Act, Cal. Bus. & Prof. Code §§ 16700, et seq.	X	X	X			
California Unfair Competition Act, Cal. Bus. & Prof. Code §§ 17200, et seq.	X	X	X			
Colorado Consumer Protection Act, Colo. Rev. Stat. §§ 61-105, et seq.	X	X	X	X		
Connecticut Unfair Trade Practices Act, Conn. Gen. Stat. §§ 42-110b, et seq.	X	X	X	X		
Delaware Consumer Fraud, Del. Code Ann. tit. 6, §§ 2511, et seq.	X	X	X	X		
District of Columbia Antitrust Act, D.C. Code §§ 28-45031, et seq.	X	X	X			
District of Columbia Consumer Protection Act, D.C. Code §§ 28-3901, et seq.	X	X	X			
Florida Antitrust Act of 1980, Fla. Stat. Ann. §§542.15, et seq.	X	X	X	X		
Florida Deceptive & Unfair Trade Practices Act, Fla. Stat. Ann. §§501.201, et seq.	X	X	X			
Georgia Fair Business Practices Act, Ga. Code Ann. §§ 10-1-392, et seq.	X	X	X	X		
Hawaii Rev. Stat. §§ 480-2, 480-3, and 480-4.	X	X	X			
Idaho Consumer Protection Act, Idaho Code Ann. §§ 48-601, et seq.	X	X	X	X		
Illinois Consumer Fraud and Deceptive Business Practices Act, 815 Ill. Comp. Stat. 505/1, et seq.	X	X	X	X		

## EXHIBIT 2

Bases for Dismissing HIPNY's State Law Claims In Count II

STATUTE PLEADED	Lack of Subject Matter Jurisdiction, 12(b)(1)	No Standing, 12(b)(1)	FDA Law Preempts, 12(b)(6)	Indirect Purchaser Claims Disallowed, 12(b)(6)	Does Not Reach Alleged Conduct, 12(b)(6)	Class Actions Not Permitted, 12(b)(6)
553.5.	X	X	X			
Kansas Consumer Protection Act, Kan. Stat. Ann. §§ 50-623 et seq.	X	X	X		X	
Kansas Monopolies & Unfair Trade Act, Kan. Stat. Ann. §§ 50-101 et seq.	X	X	X			
Kentucky Consumer Protection Act, Ky. Rev. Stat. Ann. §§ 367.110, et seq.	X	X	X	X		X
Kentucky Unfair Trade Practices Act, Ky. Rev. Stat. Ann §§365.020, et seq.	X	X	X	X	X	
Louisiana Monopolies Law, La. Rev. Stat. Ann. § 51:121 and § 51:137, et seq.	X	X	X	X		
Louisiana Unfair Trade Practices and Consumer Protection Law, La. Rev. Stat. Ann. §§51:1401, et seq.	X	X	X	X		X
Maine Monopolies and Profiteering Statute, Me. Rev. Stat. Ann. tit. 10 §§ 1101, et seq.	X	X	X			
Maine Unfair Trade Practices Act, 5 Me. Rev. Stat. Ann. § 207, et seq.	X	X	X			
Maryland Consumer Protection Act, Md. Com. Law Code §§ 13-101, et seq.	X	X	X	X	X	
Massachusetts Antitrust Act, Mass. Gen. Laws, ch. 93.	X	X	X	X		
Massachusetts Consumer Protection Act, Mass. Gen. Laws ch. 93A.	X	X	X			
Michigan Antitrust Reform Act, Mich. Comp. Laws, §§445.771, et seq.	X	X	X			
Michigan Consumer Protection Act, Mich. Comp. Laws, §§445.901, et seq.	X	X	X		X	
Minnesota Antitrust Law of 1971, Minn. Stat. §§325D.49 and § 325D-52, et seq.	X	X	X			
Minnesota Consumer Fraud Act, Minn. Stat. §§325F.67, et seq. and Minn. Stat. § 8.31, et seq.	X	X	X		X	
Miss. Code Ann. §§75-21-1, et seq.	X	X	X			

## EXHIBIT 2

Bases for Dismissing HIPNY's State Law Claims In Count II

STATUTE PLEADED	Lack of Subject Matter Jurisdiction, 12(b)(1)	No Standing, 12(b)(1)	FDA Law Preempts, 12(b)(6)	Indirect Purchaser Claims Disallowed, 12(b)(6)	Does Not Reach Alleged Conduct, 12(b)(6)	Class Actions Not Permitted, 12(b)(6)
Missouri Merchandising Practices Act, Mo. Rev. Stat. § 407.010, et seq.	X	X	X	X		
Montana Unfair Trade Practices and Consumer Protection Act, Mont. Code Ann. § 30-14-101, et seq.	X	X	X	X		
Neb. Code Ann. § 59-801, et seq.	X	X	X			
Nebraska Consumer Protection Act, Neb. Rev. Stat. §59-1601, et seq.	X	X	X			
Nevada Deceptive Trade Practices Act, Nev. Rev. Stat. §§598.0903, et seq.	X	X	X		X	
Nevada Unfair Trade Practices Act, Nev. Rev. Stat. §§598A.010, et seq.	X	X	X			
New Hampshire Regulation of Business Practices for Consumer Protection, N.H.. Rev. Stat. Ann. § 358-A:1, et seq.	X	X	X			
New Jersey Antitrust Act, N.J. Stat. Ann. §§56:9-1, et seq.	X	X	X	X		
New Jersey Consumer Fraud Act, N.J. Stat. Ann. §§56:8-1, et seq.	X	X	X	X	X	
New Mexico Antitrust Act, N.M. Stat. Ann. §§57-1-1, et seq.	X	X	X			
New Mexico Unfair Practices Act, N.M. Stat. Ann. §§57-12-1, et seq.	X	X	X		X	
New York Deceptive Acts and Practices Act, N.Y. Gen. Bus. Law §§349, et seq.	X	X	X		X	
New York Donnelly Act, N.Y. Gen. Bus. Law. §§340, et seq.	X	X	X			X
North Carolina Antitrust and Unfair Competition Law, N.C. Gen. Stat. §§75-1, et seq. N.C. Gen. Stat. § 75-1.1, et seq.	X	X	X			
North Dakota Antitrust Act, N.D. Cent. Code §§51-08.1-01, et seq.	X	X	X			

## EXHIBIT 2

Bases for Dismissing HIPNY's State Law Claims In Count II

STATUTE PLEADED	Lack of Subject Matter Jurisdiction, 12(b)(1)	No Standing, 12(b)(1)	FDA Law Preempts, 12(b)(6)	Indirect Purchaser Claims Disallowed, 12(b)(6)	Does Not Reach Alleged Conduct, 12(b)(6)	Class Actions Not Permitted, 12(b)(6)
North Dakota Consumer Fraud Act, N.D. Cent. Code §§51-15-01, et seq.	X	X	X		X	
Ohio Consumer Sales Practices, Ohio Rev. Code Ann. § 1345.01, et seq.	X	X	X	X	X	
Oklahoma Consumer Protection Act, Okla. Stat. tit. 15 § 751, et seq.	X	X	X	X		
Oregon Unlawful Trade Practices Act, Or. Rev. Stat. § 646.605, et seq.	X	X	X	X		
Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 Pa. Stat. Ann. § 201-1, et seq.	X	X	X	X		
Rhode Island Deceptive Trade Practices Law, R.I. Gen. Laws § 6-13.1-1, et seq.	X	X	X	X		
South Carolina Unfair Trade Practices Act, S.C. Code. Ann. § 39-5-10, et seq.	X	X	X	X		
South Dakota Antitrust Law, S.D. Codified Laws §§37-1-3, et seq.	X	X	X			
South Dakota Deceptive Trade Practices and Consumer Protection Law, S.D. Codified Laws §§ 37-24-1, et seq.	X	X	X		X	
Tennessee Consumer Protection Act, Tenn. Code Ann. §§47-18-101, et seq.	X	X	X			X
Tennessee Trade Practices Act, Tenn. Code Ann. §§47-25-101, et seq.	X	X	X			
Texas Deceptive Trade Practices-Consumer Protection Act, Tex. Bus. & Com. Code. § 17.41, et seq.	X	X	X	X		
Utah Code Ann. § 76-10-911, et seq.	X	X	X	X		
Utah Consumer Sales Practice Act, Utah Code Ann. § 13-11-1, et seq.	X	X	X	X		
Vt. Stat. Ann. 9 § 2453	X	X	X			
Vermont Consumer Fraud Act, Vt. Stat. Ann. tit. 9, §§2451, et seq.	X	X	X			

## EXHIBIT 2

Bases for Dismissing HIPNY's State Law Claims In Count II

<b>STATUTE PLEADED</b>	<b>Lack of Subject Matter Jurisdiction, 12(b)(1)</b>	<b>No Standing, 12(b)(1)</b>	<b>FDA Law Preempts, 12(b)(6)</b>	<b>Indirect Purchaser Claims Disallowed, 12(b)(6)</b>	<b>Does Not Reach Alleged Conduct, 12(b)(6)</b>	<b>Class Actions Not Permitted, 12(b)(6)</b>
Virginia Consumer Protection Act, Va. Code Ann. § 59.1-196, et seq.	X	X	X	X		
Washington Consumer Protection Act, Wash. Rev. Code § 19.86.010, et seq.	X	X	X	X		
West Virginia Antitrust Act, W.Va. Code §§47-18-1, et seq.	X	X	X			
West Virginia Consumer Credit and Protection Act, W.Va. Code §§ 46A-6-101, et seq.	X	X	X			
Wisconsin Antitrust Act, Wis. Stat. § 133.01, et seq.	X	X	X			
Wisconsin Unfair Trade Practices Act., Wis. Stat. §§100.20, et seq.	X	X	X			